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January 30, 2025

VIA ECF

The Honorable Valerie Figueredo
United States Magistrate Judge
United States District Court
500 Pearl Street
New York, New York 10007

Re: Verner v Andrews, et al.
Case No. 1:23-cv-7275

Dear Judge Figueredo:

This follows Mr. Olsen's email to Ms. Haenn yesterday. I am aware that your Individual Rules require letter communications and submit this on behalf of Plaintiffs *pro se*.

I concur with Mr. Olsen that the parties met and conferred telephonically at the invitation of Defendants on January 27th. We agreed during that call to submit proposals to each other and we discussed adjourning the mediation for a few weeks so as to keep the appearance scheduled while discussions continue.

For the Plaintiffs, I would be disinclined to adjourn the mediation beyond a few weeks and also do not wish to create needless administrative work for the Court by a series of requests for adjournment. However, I take the Defendants at their word that they intend to submit a proposal which may provide grounds for a settlement without the need for the Court to mediate. I ask whether the Court requires a formal stipulation on the adjournment and any related issues of agreement.

I am concerned, and raised with Mr. Olsen in early January, that we had agreed as directed of your Honor, that the Defendants would file answers in January proceeding the mediation. While I appreciate the Defendants' overtures and apparent good faith, Plaintiffs submit that the Answers were required by the Court and eliminate the procedural default that we face at the present time. Moreover, the Court may recall that it was concerned that its jurisdiction over Defendants during the mediation and afterward could only be established appropriately after issue had been joined. In short, we ask that the Court direct that Answers are now to be filed by the Defendants and/or that Plaintiffs should begin to process any motions for relief as would be appropriate with a date certain for those events.

Thank you for your consideration.

MEMO ENDORSED


HON. VALERIE FIGUEREDO
UNITED STATES MAGISTRATE JUDGE

Dated: 2/3/25

The settlement conference is rescheduled for May 19, 2025 at 10 a.m. in Courtroom 17-A, 500 Pearl Street, New York, New York. The parties are directed to submit their ex parte pre-conference submissions, or seek an adjournment, by May 12, 2025. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 129.

Respectfully submitted,

VERNER SIMON

s/ Paul W. Verner
Paul W. Verner